

NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DIGITAL MEDIA SOLUTIONS, LLC)	CASE NO. 1:19-cv-145
)	
Plaintiff,)	JUDGE DAN AARON POLSTER
v.)	
)	
SOUTH UNIVERSITY OF OHIO, LLC, <i>et al.</i>)	MAGISTRATE JUDGE
)	THOMAS M. PARKER
Defendants.)	
)	
)	
)	

DECLARATION OF CYNDI K. WONG IN SUPPORT OF THE MOTION FOR AN ORDER (1) REQUIRING PACIFIC CENTER, LLC AND ITS COUNSEL OF RECORD, MARK A. KOMPA, ESQ. OF LAW OFFICES OF MARK A. KOMPA (“RESPONDENTS”) TO SHOW CAUSE WHY THEY SHOULD NOT BE HELD IN CONTEMPT FOR THEIR KNOWING, WILLFUL AND INTENTIONAL VIOLATIONS OF THIS COURT’S STAY ORDER; (2) ISSUING SANCTIONS AGAINST RESPONDENTS (JOINTLY AND SEVERALLY); AND (3) DEEMING VOID THE STATE COURT DEFAULT JUDGMENT OBTAINED IN VIOLATION OF THIS COURT’S STAY ORDER

I, Cyndi K. Wong, hereby declare as follows:

1. I am an attorney with the Law Offices of Cyndi K. Wong, attorney for Pastor Matthew Barnett (“Pastor Barnett”), former manager of Argosy Education Group, LLC’s¹ former board of multiple managers.

2. I submit this declaration in support of the Motion for an Order (1) requiring FSP Pacific Center, LLC (“FSP” and/or “Plaintiff”) and its counsel of record, Mark A. Kompa, Esq. of the Law Offices of Mark A. Kompa (“Kompa”)(collectively, FSP and Kompa, the “Respondents”) to show cause why they should not be held in contempt for their knowing, willful and intentional violations of this Court’s Stay Order; (2) issuing

¹ Argosy Education Group, LLC (“Argosy”) is one of the Receivership Entities in the above-captioned case.

sanctions against Respondents (jointly and severally); and (3) deeming void the state court judgment obtained in violation of this Court's Stay Order (the "OSC Motion").

3. Capitalized terms herein have the same meaning as defined in the OSC Motion, filed separately and concurrently hereto.

4. In August 2020, I was retained to represent Pastor Barnett in the state court action FSP Pacific Center, LLC v. Argosy Education Group, LLC, Case No. 30-2019-01063136-CU-BC-CJC, pending in the Superior Court of the State of California, County of Orange ("State Court Action").

5. On August 21, 2020, I sent a Cease and Desist Demand letter to Kompa demanding:

- FSP cease any further collection action in the State Court Action;
- FSP stipulate and move the Court to set aside the Default and the Default Judgment entered against Argosy on June 5, 2019 and September 24, 2019, respectively;
- FSP withdraw the Subpoena and the Order to Appear for a Judgment Debtor exam;
- FSP stipulate and move the Court to dismiss the State Court Action; and
- FSP take no further action unless it receives confirmation from Argosy's Receiver that Argosy's receivership has been actually and formally terminated by the United States District Court, North District of Ohio in the Digital Media Solutions, LLC v. South University of Ohio, LLC, et al., pending in the Federal Court, case number 1:19-cv-145 (the "Digital Media Action") and that actions are allowed to proceed under the orders of the Federal Court.

(the “August 21st Cease and Desist Letter”). A true and correct of the August 21st Cease and Desist Letter is attached hereto as **Exhibit “B.”**

6. On or about August 31, 2020, in response to the Cease and Desist Letter, I received a letter from Kompa (“Kompa August 31st Response”) acknowledging (i) Respondents’ Notice and knowledge of the Receivership and the Receivership Stay Order, and (ii) that Respondents’ filed the Complaint in violation of the Receivership Stay Order, yet refuse to stipulate to any of the Movant’s demands. A true and correct copy of the Kompa August 31st Response is attached hereto as **Exhibit “C.”**

7. Now, as provided in the Kompa August 31st Response, Respondents continue to proceed with their post-default judgment collection actions all in violation of the stay imposed by the Receivership.

8. On September 11, 2020, I filed a Notice of Imposition of Stay in the State Court Action. A true and correct copy of the Notice of Imposition of Stay is attached hereto as **Exhibit “D.”**

9. On September 14, 2020, I served Kompa, via email, the “Subpoenaed Party Judgment Debtor’s Former Manager Matthew Barnett’s Objections to Plaintiff and Judgment Creditor’s Civil Subpoena (Duces Tecum); Verification” (the “Objection to Subpoena”).

10. On September 16, 2020, in response to my service of the Objection to Subpoena, I received an email from Kompa reiterating the same flawed justifications for the violations of stay (the “Kompa September 16th Email”). A true and correct copy of the Kompa September 16th Email is attached hereto as **Exhibit “E.”**

11. In furtherance of Kompa’s belligerent actions and willful violations of standing court orders, Kompa demanded that Movant appear at 10:00 a.m. the following morning and to disclose all requested information as a *private citizen and non-party*, despite acknowledgment that Movant was subpoenaed as “Judgment Debtor’s Co-

Manager" and Kompa's intentional failure, among other failures and violations, to provide the requisite notices to the consumers (as Movant is not the judgment debtor, nor a party to the State Court Action).

12. On September 18, 2020, I sent a letter to Kompa in response to the Kompa September 16th Email again attempting to "meet and confer" on the issues. A true and correct copy of the September 16th Email is attached hereto as **Exhibit "F."**

13. I asked that he change his course of contemptuous and willful violations of court orders, that he comply with his professional duty as an officer of the court, and that he abide by any and all of the Federal Court's current and future Orders (including the Receivership Stay Order).

14. To date, Kompa and his client, FSP, continue to refuse to cease and desist from their stay violations. They continue with their collection actions against Argosy (and non-party, Movant) based upon the Default Judgment obtained in violation of the stay, and now utilized by Respondents as a stepping stone for their collection actions in further knowing and willful violations of the stay.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 22nd day of September, at Athens, Greece.



Cyndi K. Wong

CERTIFICATE OF SERVICE

The foregoing was electronically filed this 22nd day of September 2020. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. Further, I am familiar with my office's process for service. My office served the following persons and/or entities by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows pursuant to the Secretary of State Statement of No Change form LLC-12NC, attached hereto and California Corporations Code Section 1505 Certificate also attached hereto:

FSP Pacific Center, LLC
515 S. Flower Street, 32nd Floor
Los Angeles, California 90071

FSP Pacific Center, LLC
Attn: Connie Leguizamo, Senior Vice
President
515 S. Flower Street, 32nd Floor
Los Angeles, California 90071

FSP Pacific Center, LLC
Agent for Service of Process
CT Corporation System
818 West Seventh Street, Suite 930
Los Angeles, California 90017

Mark A. Kompa, Esq.
Law Office of Mark A. Kompa
23113 Plaza Point Drive
Suite 110
Laguna Hills, CA 92653-1475

The following party were served via Electronic Mail:

Mark A. Kompa, Esq.
Law Office of Mark A. Kompa
Mark@kompalawoc.com

s/ Craig G. Margulies

Craig G. Margulies (CA SBN 185925)



Secretary of State
Statement of No Change
(Limited Liability Company)

LLC-12NC

19-D71701

FILED

In the office of the Secretary of State
of the State of California

SEP 30, 2019

This Space For Office Use Only

IMPORTANT — [Read instructions](#) before completing this form. This form may be used only if a complete Statement of Information has been filed previously and there has been no change.

Filing Fee – \$20.00

Copy Fee – \$1.00;
Certification Fee - \$5.00 plus copy fee

- 1. Limited Liability Company Name** (Enter the **exact** name of the LLC as it is recorded with the California Secretary of State. Note: If you registered in California using an alternate name, [see instructions](#).)

FSP PACIFIC CENTER, LLC

- 2. 12-Digit Secretary of State File Number**

201126410021

- 3. State, Foreign Country or Place of Organization** (only if formed outside of California)

DELAWARE

- 4. No Change Statement** (Do not alter the No Change Statement. If there has been any change, please complete a Statement of Information (Form LLC-12).)

There has been no change in any of the information contained in the previous complete Statement of Information filed with the California Secretary of State.

- 5.** The information contained herein is true and correct.

09/30/2019

Date

Connie Leguizamo

Type or Print Name of Person Completing the Form

Senior Vice President

Title

Signature

Return Address (Optional) (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document, enter the name of a person or company and the mailing address. This information will become public when filed. ([SEE INSTRUCTIONS](#) BEFORE COMPLETING.)

Name:

Company:

Address:

City/State/Zip:

1505 California Corporations Code Section 1505 Certificate**A0837927**

To become authorized to be designated as a corporate agent for service of process for other entities in California, you can fill out this form or prepare your own document, and submit for filing along with:

- A **\$30** filing fee.
- A separate, non-refundable **\$15** service fee also must be included, if you drop off the completed form or document.
- For information about expedited filing requests and current processing times, go to www.sos.ca.gov/business/be/service-options.htm.

Any California corporation or any foreign corporation qualified in California is eligible to file this 1505 certificate as long as the corporation is active on the records of the California Secretary of State. The status of the corporation can be checked online at kepler.sos.ca.gov.

After your 1505 certificate is filed, if any of the information changes you may file a new fully completed 1505 certificate.

FILED *Cutler*
Secretary of State
State of California
JAN 06 2020

IPC

This Space For Office Use Only

① **Corporation's Exact Name** (on file with CA Secretary of State)

CT Corporation System

② **Corporate File No.** (issued by CA Secretary of State)

C0168406

If you don't know the file number, leave Item 2 blank.

Address for Service of Process (List the complete street address in California of the office where any entity designating your corporation as agent for service of process may be served with process. Do not list a P.O. Box address.)

③ **818 West Seventh Street, Suite 930**

Street Address for Service of Process

Los Angeles

City (no abbreviations)

CA 90017

State Zip

Authorized Employees (List the names of all the persons employed by your corporation who are authorized to accept delivery of any copy of service of process, at the address listed in item 3, on any entity who has designated your corporation as its agent for service of process.)

④ Authorized Employees: Amanda Garcia, Vivian Imperial, Gladys Aguilera, Gabriela SanchezDaisy Montenegro, Beatrice Casarez-Barrientez, Carlos Paz, Alberto DamonteJessie Gastelum, Peter Cayetano**Statement of Consent**

- ⑤ This corporation consents that delivery of a copy of service of process to an authorized employee at the address designated in item 3 shall constitute delivery of any such copy to the corporation, as the agent for service of process.

Read and sign below: This form must be signed by an officer of the corporation.

Ann Roberson

Sign here

Ann Roberson

Print your name here

Vice President

Your business title

Make check/money order payable to: **Secretary of State**

Upon filing, we will return one (1) uncertified copy of your filed document for free, and will certify the copy upon request and payment of a \$5 certification fee.

By Mail

Secretary of State
 Business Entities, P.O. Box 944260
 Sacramento, CA 94244-2600

Drop-Off

Secretary of State
 1500 11th Street, 3rd Floor
 Sacramento, CA 95814